

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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|----------------------------|---|----------------------------|
| XCOAL ENERGY & RESOURCES, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. H-11-0645 |
| | § | |
| NEW YORK MARINE & GENERAL | § | |
| INSURANCE COMPANY AND | § | |
| SOUTHERN MARINE & AVIATION | § | |
| UNDERWRITERS, INC., | § | |
| | § | |
| Defendants, | § | |

ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION

Having reviewed the Magistrate Judge's Memorandum and Recommendation, the objections thereto, and the response to the objections, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is, therefore, **ORDERED** that the Memorandum and Recommendation is hereby **ADOPTED** by this court.

The Clerk shall send copies of this Order to the respective parties.

SIGNED at Houston, Texas, this 26th day of March, 2013.



SIM LAKE
UNITED STATES DISTRICT JUDGE